

**The Proposed Amendment**

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 as follows:

**PART 39—AIRWORTHINESS DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

**§ 39.13 [Amended]**

2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**CENTRAIR:** Docket No. FAA–2005–21951; Directorate Identifier 2005–CE–39–AD.

**When Is the Last Date I Can Submit Comments on This Proposed AD?**

(a) We must receive comments on this proposed airworthiness directive (AD) by September 26, 2005.

**What Other ADs Are Affected by This Action?**

(b) None.

**What Gliders Are Affected by This AD?**

(c) This AD affects Models 101, 101A, 101AP, and 101P gliders, all serial numbers, certificated in any category.

**What Is the Unsafe Condition Presented in This AD?**

(d) This AD is the result of a review by FAA of the Limitations Section of the CENTRAIR Model 101AP glider maintenance manual that revealed conflicting information concerning the structural life limit. The actions specified in this AD are intended to assure that the published life limit is adhered to and to prevent structural failure of the glider once this life limit is reached.

**What Must I Do To Address This Problem?**

(e) To address this problem, you must do the following:

Actions	Compliance	Procedures
Using pen and ink, change Section 5.1 of the Limitations Section of the CENTRAIR Gliders CENTRAIR 101–101 P–101 A–101 AP Maintenance Manual under “General Inspection,” to read, “The general inspection should be executed every 5 years until the 3,000-hour time-in-service structural life limit is met.” The above change enforces the 3,000-hour structural life limit set out in page 5.01—Life Limits of the maintenance manual.	Within the next 30 days after the effective date of this AD.	The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may modify the maintenance manual as specified in paragraph (e) of this AD. Make an entry into the aircraft records showing compliance with this portion of the AD following section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

**Note:** Section 5.0 of the Limitations Section of the CENTRAIR Gliders CENTRAIR 101–101 P–101 A–101 AP Maintenance Manual, date of approval, December 16, 1983, references 14 CFR Section 91.163. The Code of Federal Regulations has changed. The correct reference is Section 91.403.

**May I Request an Alternative Method of Compliance?**

(f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Standards Office, Small Airplane Directorate, FAA. For information on any already approved alternative methods of compliance, contact Greg Davison, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4130; facsimile: (816) 329–4090.

**May I Get Copies of the Documents Referenced in This AD?**

(g) To get copies of the documents referenced in this AD, contact CENTRAIR, Aerodome B.P.N. 44, 36300 Le Blanc, France; telephone: 02.54.37.07.96; facsimile: 02.54.37.48.64. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC, or on the Internet at <http://dms.dot.gov>. This is docket number FAA–2005–21951; Directorate Identifier 2005–CE–39–AD.

Issued in Kansas City, Missouri, on August 15, 2005.

**Terry L. Chasteen,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 05–16529 Filed 8–19–05; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF COMMERCE**

**Bureau of Economic Analysis**

**15 CFR Part 806**

[Docket No. 050726200–5200–01]

**RIN 0691–AA58**

**Direct Investment Surveys: BE–11, Annual Survey of U.S. Direct Investment Abroad**

**AGENCY:** Bureau of Economic Analysis, Commerce.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposed rule amends regulations of the Bureau of Economic Analysis, Department of Commerce (BEA) to set forth the reporting requirements for the BE–11, Annual Survey of U.S. Direct Investment Abroad. The BE–11 survey is conducted annually and is a sample survey that obtains financial and operating data

covering the overall operations of nonbank U.S. parent companies and their nonbank foreign affiliates. To address the current needs of data users while at the same time keeping the respondent burden as low as possible, BEA proposes modification, addition, or deletion of items on the survey forms and in the reporting criteria. Most of the changes are proposed to bring the BE–11 forms and related instructions into conformity with the 2004 BE–10, Benchmark Survey of U.S. Direct Investment Abroad.

**DATES:** Comments on this proposed rule will receive consideration if submitted on or before 5 p.m. October 21, 2005.

**ADDRESSES:** You may submit comments, identified by RIN 0691–AA58, and referencing the agency name (Bureau of Economic Analysis), by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments. For agency, select “Commerce Department—all.”
- E-mail: [Obie.Whichard@bea.gov](mailto:Obie.Whichard@bea.gov).
- Fax: Office of the Chief, International Investment Division, (202) 606–5318.
- Mail: Office of the Chief, International Investment Division, U.S. Department of Commerce, Bureau of

Economic Analysis, BE-50, Washington, DC 20230.

- Hand Delivery/Courier: Office of the Chief, International Investment Division, U.S. Department of Commerce, Bureau of Economic Analysis, BE-50, Shipping and Receiving, Section M100, 1441 L Street, NW., Washington, DC 20005.

Public Inspection: Comments may be inspected at BEA's offices, 1441 L Street NW, Room 7006, between 8:30 a.m. and 5 p.m., Eastern Time Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Obie G. Whichard, Chief, International Investment Division (BE-50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 606-9890.

**SUPPLEMENTARY INFORMATION:** This proposed rule would amend 15 CFR Part 806.14 to set forth the reporting requirements for the BE-11, Annual Survey of U.S. Direct Investment Abroad. The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

### Description of Changes

The BE-11 survey is a mandatory survey and is conducted annually by BEA under the International Investment and Trade in Services Survey Act (22 U.S.C. 3101-3108), hereinafter, "the Act." BEA will send the survey to potential respondents in March of each year; responses will be due by May 31.

As described below, BEA is proposing several changes to the survey. Most of the changes are to bring the survey into conformity with the most recent Benchmark Survey of U.S. Direct Investment Abroad, which covered 2004. Changes also are proposed to introduce a statistical sampling procedure and to introduce a schedule for reporting summary information on foreign affiliates that were established or acquired during the year but fell below the threshold for being reported on separate foreign-affiliate report forms.

BEA proposes to introduce a sampling procedure that will utilize a new BE-11B(EZ) form. This form will provide a few basic indicators for non-sample foreign affiliates that can be used as a basis for estimating data that otherwise would have to be reported on the lengthier BE-11B(LF) and BE-11B(SF) forms. To reduce respondent burden, BEA proposes the following changes to the Code of Federal Regulations: (1)

Direct U.S. Reporters to file selected affiliates on the BE-11B(EZ) form; (2) increase the exemption level for reporting on the BE-11B(SF) form and BE-11C form from \$30 million to \$40 million; (3) increase the exemption level for reporting on the BE-11B(LF) form from \$100 million to \$150 million; and (4) increase the exemption level for reporting only selected items on Form BE-11A from \$100 million to \$150 million. In addition to certain identification items, U.S. Reporters with total assets, sales or gross operating revenues, and net income (loss) less than or equal to \$150 million would report only selected items on the BE-11A report. The foreign affiliate exemption level is the level of a foreign affiliate's assets, sales, or net income below which a Form BE-11B(LF), (SF), (EZ) or BE-11C is not required. The exemption levels for the BE-11 survey were last raised following the 1999 benchmark survey and were effective with the annual survey covering the year 2000.

In conjunction with the increase in the exemption level for reporting on Forms BE-11B(SF) and BE-11C, BEA proposes to introduce a schedule on Form BE-11A to collect a few data items for affiliates with assets, sales, and net income between \$10 million and \$40 million that were established or acquired during the year. The information collected on the new schedule is needed to maintain data quality in the face of the proposed increase in the short-form exemption level, and will help to avoid understatement of estimates for foreign-affiliate activities in emerging economies, where there may be significant entry of smaller affiliates between benchmark surveys.

BEA is proposing a few changes to the report forms themselves. BEA proposes to add questions to the BE-11A form, BE-11B(LF) form, and BE-11B(SF) form to bring the annual survey into conformity with the BE-10 benchmark survey. BEA proposes to collect information on: (1) The broad occupational structure of employment, (2) premiums earned and claims paid by U.S. Reporters and foreign affiliates operating in the insurance industry, and (3) finished goods purchased for resale for U.S. Reporters and foreign affiliates operating in the wholesale and retail trade industries. In addition, BEA proposes to expand the ownership section on the BE-11B(LF) and (SF) forms to include components that are collected on the benchmark survey and to add a retained earnings reconciliation section on the BE-11B(LF) form similar to that on the benchmark survey.

### Survey Background

The Bureau of Economic Analysis (BEA), U.S. Department of Commerce, will conduct the survey under the International Investment and Trade in Services Survey Act (22 U.S.C. 3101-3108), hereinafter, "the Act." Section 4(a) of the Act requires that with respect to United States direct investment abroad, the President shall, to the extent he deems necessary and feasible, conduct a regular data collection program to secure current information on international financial flows and other information related to international investment and trade in services, including (but not limited to) such information as may be necessary for computing and analyzing the United States balance of payments, the employment and taxes of United States parents and affiliates, and the international investment and trade in services position of the United States.

In Section 3 of Executive Order 11961, the President delegated authority granted under the Act as concerns direct investment to the Secretary of Commerce, who has redelegated it to BEA. The annual survey of U.S. direct investment abroad is a sample survey that provides a variety of measures of the overall operations of U.S. parent companies and their foreign affiliates, including total assets, sales, net income, employment and employee compensation, research and development expenditures, and exports and imports of goods. The sample data are used to derive universe estimates in nonbenchmark years from similar data reported in the BE-10, Benchmark Survey of U.S. Direct Investment Abroad, which is taken every five years. The data are needed to measure the size and economic significance of direct investment abroad, measure changes in such investment, and assess its impact on the U.S. and foreign economies. The data are disaggregated by country and industry of the foreign affiliate and by industry of the U.S. parent.

### Executive Order 12866

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

### Executive Order 13132

This proposed rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under E.O. 13132.

### Paperwork Reduction Act

This proposed rule contains a collection-of-information requirement subject to review and approval by the

Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). The requirement has been submitted to the OMB for approval as a revision to a collection currently approved under OMB control number 0608-0053.

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection-of-information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid OMB control number.

The survey, as proposed, is expected to result in the filing of reports from approximately 1,500 respondents. The respondent burden for this collection of information will vary from one company to another, but is estimated to average 78.4 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Thus the total respondent burden of the survey is estimated at 117,600 hours (1,500 respondents times 78.4 hours average burden). This estimate is slightly below the burden of 118,400 hours currently requested for this survey in the OMB inventory. The decrease in the burden is largely due to proposed changes in reporting requirements.

Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Comments should be addressed to: Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230; (fax: 202-606-5311); and to the Office of Management and Budget, O.I.R.A., Paperwork Reduction Project 0608-0053, Attention PRA Desk Officer for BEA, via the Internet at [pbugg@omb.eop.gov](mailto:pbugg@omb.eop.gov), or by fax at 202-395-7245.

#### Regulatory Flexibility Act

The Chief Counsel for Regulation, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under the provisions of the Regulatory

Flexibility Act (5 U.S.C. 605(b)), that this proposed rulemaking, if adopted, will not have a significant economic impact on a substantial number of small entities. Few, if any, small U.S. businesses are subject to the reporting requirements of this survey. U.S. companies that have direct investments abroad tend to be quite large. The exemption level for the BE-11 survey is set in terms of the size of a U.S. company's foreign affiliates (foreign companies owned 10 percent or more by the U.S. company); if a foreign affiliate has assets, sales, or net income greater than the exemption level, it must be reported on Form BE-11B(LF), BE-11B(SF), BE-11B(EZ), or BE-11C. With the increase in the exemption level for the BE-11 survey from \$30 million to \$40 million, about 200 fewer U.S. businesses will be required to file. Therefore, the burden on small businesses would not increase and is likely to decrease since the U.S. parent company required to file the report is usually many times larger than its largest foreign affiliate. To further reduce the reporting burden on smaller businesses, U.S. Reporters with total assets, sales or gross operating revenues, and net income less than or equal to \$150 million (positive or negative) are required to report only selected items on the BE-11A form for U.S. Reporters in addition to forms they may be required to file for their foreign affiliates.

Because there are few small businesses that are impacted by this rule, and because those small businesses that are impacted by this rule are subject to only minimal recordkeeping burdens, the Chief Counsel for Regulation certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 15 CFR Part 806

U.S. investment abroad, Multinational corporations, Economic statistics, Penalties, Reporting and recordkeeping requirements.

Dated: August 12, 2005.

**J. Steven Landefeld,**

*Director, Bureau of Economic Analysis.*

For the reasons set forth in the preamble, BEA proposes to amend 15 CFR Part 806 as follows:

#### PART 806—DIRECT INVESTMENT SURVEYS

1. The authority citation for 15 CFR Part 806 continues to read as follows:

**Authority:** 5 U.S.C. 301; 22 U.S.C. 3101-3108; E.O. 11961 (3 CFR, 1977 Comp., p. 86), as amended by E.O. 12318 (3 CFR, 1981 Comp., p. 173); E.O. 12518 (3 CFR, 1985 Comp., p. 348).

2. Section 806.14(f)(3) is revised to read as follows:

#### § 806.14 U.S. direct investment abroad.

\* \* \* \* \*

(f) \* \* \*

(3) BE-11—Annual survey of U.S. Direct Investment Abroad: A report, consisting of Form BE-11A and Form(s) BE-11B(LF)(Long Form), BE-11B(SF)(Short Form), BE-11B(EZ), and/or BE-11C, is required of each nonbank U.S. Reporter that, at the end of the Reporter's fiscal year, had a nonbank foreign affiliate reportable on Form BE-11B(LF), (SF), (EZ), or BE-11C. Forms required and the criteria for reporting on each are as follows:

(i) Form BE-11A (Report for U.S. Reporter) must be filed by each nonbank U.S. person having a foreign affiliate reportable on Form BE-11B(LF), (SF), (EZ), or BE-11C. If the U.S. Reporter is a corporation, Form BE-11A is required to cover the fully consolidated U.S. domestic business enterprise. However, where a U.S. Reporter's primary line of business is not in banking (or related financial activities), but the Reporter also has ownership in a bank, banking activities should be included on the BE-11A using the equity method of accounting.

(A) If for a nonbank U.S. Reporter any one of the following three items—total assets, sales or gross operating revenues excluding sales taxes, or net income after provision for U.S. income taxes—was greater than \$150 million (positive or negative) at the end of, or for, the Reporter's fiscal year, the U.S. Reporter must file a complete Form BE-11A. It must also file a Form BE-11B(LF), (SF), (EZ), or BE-11C as applicable, for each nonexempt foreign affiliate.

(B) If for a nonbank U.S. Reporter no one of the three items listed in paragraph (f)(3)(i)(A) of this section was greater than \$150 million (positive or negative) at the end of, or for, the Reporter's fiscal year, the U.S. Reporter is required to file on Form BE-11A only items 1 through 27 and Part IV. It must also file a Form BE-11B(LF), (SF), (EZ), or BE-11C as applicable, for each nonexempt foreign affiliate.

(ii) Forms BE-11B(LF), (SF), and (EZ) (Report for Majority-owned Foreign Affiliate).

(A) A BE-11B(LF)(Long Form) is required to be filed for each majority-owned nonbank foreign affiliate of a nonbank U.S. Reporter for which any one of the three items—total assets, sales or gross operating revenues excluding sales taxes, or net income after provision for foreign income taxes—was greater than \$150 million (positive or negative) at the end of, or

for, the affiliate's fiscal year, unless the nonbank foreign affiliate is selected to be reported on Form BE-11B(EZ).

(B) BE-11B(SF)(Short Form) is required to be filed for each majority-owned nonbank foreign affiliate of a nonbank U.S. Reporter for which any one of the three items listed in paragraph (f)(3)(ii)(A) of this section was greater than \$40 million (positive or negative), but for which no one of these items was greater than \$150 million (positive or negative), at the end of, or for, the affiliate's fiscal year, unless the nonbank foreign affiliate is selected to be reported on Form BE-11B(EZ).

(C) A BE-11B(EZ) is required to be filed for each nonbank foreign affiliate that is selected to be reported on this form in lieu of Form BE-11B(LF) or Form BE-11B(SF).

(iii) Form BE-11C (Report for Minority-owned Foreign Affiliate) must be filed for each minority-owned nonbank foreign affiliate that is owned at least 20 percent, but not more than 50 percent, directly and/or indirectly, by all U.S. Reporters of the affiliate combined, and for which any one of the three items listed in paragraph (f)(3)(ii)(A) of this section was greater than \$40 million (positive or negative) at the end of, or for, the affiliate's fiscal year. In addition, for the report covering fiscal year 2007 only, a Form BE-11C must be filed for each minority-owned nonbank foreign affiliate that is owned, directly or indirectly, at least 10 percent by one U.S. Reporter, but less than 20 percent by all U.S. Reporters of the affiliate combined, and for which any one of the three items listed in paragraph (f)(3)(ii)(A) of this section was greater than \$100 million (positive or negative) at the end of, or for, the affiliate's fiscal year.

(iv) Based on the preceding, an affiliate is exempt from being reported if it meets any one of the following criteria:

(A) None of the three items listed in paragraph (f)(3)(ii)(A) of this section exceeds \$40 million (positive or negative). (However, affiliates that were established or acquired during the year and for which at least one of these items was greater than \$10 million but not over \$40 million must be listed, and key data items reported, on a supplement schedule on Form BE-11A.)

(B) For fiscal year 2007 only, it is less than 20 percent owned, directly or indirectly, by all U.S. Reporters of the affiliate combined and none of the three items listed in paragraph (f)(3)(ii)(A) of this section exceeds \$100 million (positive or negative).

(C) For fiscal years other than 2007, it is less than 20 percent owned, directly

or indirectly, by all U.S. Reporters of the affiliate combined.

(D) Its U.S. parent (U.S. Reporter) is a bank.

(E) It is itself a bank.

(v) Notwithstanding paragraph (f)(3)(iv) of this section, a Form BE-11B(LF), (SF), (EZ) or BE-11C must be filed for a foreign affiliate of the U.S. Reporter that owns another non-exempt foreign affiliate of that U.S. Reporter, even if the foreign affiliate parent is otherwise exempt. That is, all affiliates upward in the chain of ownership must be reported.

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[FR Doc. 05-16601 Filed 8-19-05; 8:45 am]

BILLING CODE 3510-06-P

## DELAWARE RIVER BASIN COMMISSION

### 18 CFR Part 410

#### Proposed Temporary Amendment to the Water Quality Regulations, Water Code and Comprehensive Plan To Extend Designation of the Lower Delaware River as a Special Protection Water

**AGENCY:** Delaware River Basin Commission.

**ACTION:** Notice of proposed rulemaking and public hearing.

**SUMMARY:** The Delaware River Basin Commission will hold a public hearing to receive comments on a proposed amendment to the Commission's *Water Quality Regulations, Water Code, and Comprehensive Plan* to extend the temporary classification of the Lower Delaware River as Significant Resource Waters. The temporary classification was enacted by Commission Resolution No. 2005-2 on January 19, 2005 following notice and comment rulemaking. Its effect was to make the Lower Delaware subject to all applicable provisions of the Commission's Special Protection Waters regulations, except those that depend for implementation upon the use of numeric values for existing water quality. Absent further amendment to extend the classification, it will expire on September 30, 2005. The Commission today proposes to extend that date by up to twelve months. The classification would thus expire on September 30, 2006 unless the Commission should either permanently classify the Lower Delaware River or once again extend the temporary classification by rule amendment prior to that date.

The proposed extension is needed because before deciding whether or not

to classify certain sections of the Lower Delaware River as Outstanding Basin Waters as originally proposed, and whether to make the temporary Special Protection Waters designation permanent for some or all of the Lower Delaware River, the Commission wishes to fully evaluate implementation options and establish numeric values for existing water quality based upon analysis of a five-year (2000-2004) data set, for which the final year of data only became available late in 2004. Extension of the temporary designation will protect the exceptional value of the Lower Delaware from degradation during the period required to complete this evaluation and conduct a notice and comment rulemaking process on the numeric values and permanent classification.

**DATES:** The public hearing will be held on Monday, September 26, 2005 at the Commission's regular business meeting, which will begin at 1:30 p.m. Persons wishing to testify are asked to register in advance with the Commission Secretary, at (609) 883-9500 ext. 203. Written comments will be accepted through the close of the public hearing; however earlier submittals would be appreciated.

**ADDRESSES:** The public hearing will take place at the Commission's office building, located at 25 State Police Drive, West Trenton, NJ. Directions are posted on the Commission's Web site, <http://www.drbc.net>. The complete text of Resolution No. 2005-2, temporarily amending the *Water Quality Regulations, Water Code, and Comprehensive Plan* by classifying the Lower Delaware River as Special Protection Waters, is available on the Commission's Web site at <http://www.drbc.net> or upon request from the Delaware River Basin Commission, PO Box 7360, West Trenton, NJ 08628-0360.

**FOR FURTHER INFORMATION CONTACT:** For further information, contact Pamela M. Bush, Commission Secretary and Assistant General Counsel, Delaware River Basin Commission, at 609-883-9500 ext. 203.

**SUPPLEMENTARY INFORMATION:** On September 22, 2004, the Delaware River Basin Commission published on its Web site a Notice of Proposed Rulemaking to amend the *Water Quality Regulations, Water Code and Comprehensive Plan* to designate the Lower Delaware River—the reach between River Mile 209.5, which is the downstream boundary of the Delaware Water Gap National Recreation Area, and River Mile 133.4, which is the head of tide at Trenton,